

Town of Lexington
Motion
Special Town Meeting 2021-1

ARTICLE 10

**REDUCING NOISE FROM LANDSCAPE
MAINTENANCE EQUIPMENT**

MOTION:

That Chapter 80 of the Code of the Town of Lexington, Noise Control, be amended as follows, and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Lexington:

1. Add the following definitions to § 80-3:

COMMERCIAL LANDSCAPER

A person or entity that receives compensation to utilize landscape maintenance equipment on another's property.

LANDSCAPE MAINTENANCE EQUIPMENT

Gas- or electric-powered lawn mowers, hedge trimmers, weed whackers, leaf blowers, and other equipment used in landscaping or lawn care.

2. Replace § 80-4.H with the following:
 1. The outdoor use of Landscape Maintenance Equipment by commercial landscapers shall be limited to the following days and hours:
 - i. Monday – Friday: 7:00 AM to 6:00 PM
 - ii. Saturdays: 9:00 AM to 5:00 PM
 2. The outdoor use of Landscape Maintenance Equipment by persons other than commercial landscapers shall be limited to the following days and hours:
 - iii. Monday – Friday: 7:00 AM to 8:00 PM
 - iv. Saturdays, Sundays, and Legal Holidays: 9:00 AM to 5:00 PM
 3. The outdoor use of Landscape Maintenance Equipment by the Town or Town contractors on Town property shall be limited to the following hours:
 - i. Monday – Friday: 7:00 AM to 8:00 PM
 - ii. Saturdays: 9:00 AM to 5:00 PM

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4. Landscape construction work shall be governed by §80-4.A, rather than this § 80-4.H.
5. Effective May 31, 2022, the following additional rules shall apply to the use of all gas-powered leaf blowers in the Town of Lexington:
 - a. The use of gas-powered leaf blowers is restricted to the periods of March 15 to May 31 and September 15 to December 30.
 - b. The use of gas-powered leaf blowers by the Town or Town contractors on Town Property shall be limited to the following dates and hours:
 - i. March 15 – May 31: 7:00 AM to 7:00 PM
 - ii. September 15 – December 30: 7:00 AM to 5:00 PM
3. Amend § 80-7.B to read as follows where ~~struck through~~ text is to be removed and underlined text is to be added:

Any person who violates any provision of this by-law, or who is the owner of property on which such violation occurs, shall be fined an amount not to exceed \$50 per first violation, \$100 for the second violation, and \$200 for the third and each subsequent violation. ~~Additionally, any person violating this by-law is also subject to the penalties under~~ Fines issued hereunder shall be issued in accordance with Chapter 1, § 1-6 of the General By-Laws. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue. Each day that such violation continues shall be considered a separate offense.

(Revised 11/17/2021)